

05-16-04

EV486241506
PATENT APPLICATION

ATTORNEY DOCKET NO. 100203969-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Simon Dodd et al.

Confirmation No.: 7466

Application No.: 10/697,394

Examiner:

Filing Date: 10/30/2003

Group Art Unit:

Title: Optical Targets

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- | | |
|--|---|
| <input type="checkbox"/> Response/Amendment | <input type="checkbox"/> Petition to extend time to respond |
| <input type="checkbox"/> New fee as calculated below | <input type="checkbox"/> Supplemental Declaration |
| <input type="checkbox"/> No additional fee | |
| <input checked="" type="checkbox"/> Other: <u>Petition</u> | (fee \$ <u>130.00</u>) |

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$ 130
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 130

Charge \$ 130 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV 486241506

Date of Deposit 09/15/2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By

Cheryl K. Boies

Typed Name: Cheryl K. Boies

Respectfully submitted,

Simon Dodd et al.

By

David S. Thompson

David S. Thompson

Attorney/Agent for Applicant(s)

Reg. No. 37,954

Date: 09/15/2004

IN THE U.S. PATENT AND TRADEMARK OFFICE
Patent Application Transmittal Letter

EV486241506

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is a(n): ☒ Utility ☐ Design

☒ original patent application,

☐ continuation-in-part application

INVENTOR(S): Dodd, et al.

TITLE: Optical Targets

Enclosed are:

☒ The Declaration and Power of Attorney. ☒ signed ☐ unsigned or partially signed

☒ 9 sheets of drawings (one set) ☐ Associate Power of Attorney

☐ Form PTO-1449 ☐ Information Disclosure Statement and Form PTO-1449

☐ Priority document(s) ☐ (Other) _____ (fee \$ _____)

CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) TOTALS
TOTAL CLAIMS	46 — 20	26	X \$18	\$ 468
INDEPENDENT CLAIMS	5 — 3	2	X \$86	\$ 172
ANY MULTIPLE DEPENDENT CLAIMS	0		\$290	\$ 0
BASIC FEE: Design (\$340.00); Utility (\$770.00)				\$ 770
TOTAL FILING FEE				\$ 1,410
OTHER FEES				\$
TOTAL CHARGES TO DEPOSIT ACCOUNT				\$ 1,410

Charge \$ 1,410 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV316937005

Date of Deposit 10/30/2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By Laurie Morgan

Typed Name: Laurie Morgan

Respectfully submitted,

Dodd, et al.

By Glenn B. Foster

Glenn B. Foster

Attorney/Agent for Applicant(s)

Reg. No. 32,676

Date: 10/30/2003

Application

EV486241506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.10/697,394
 Filing Date 10/30/2003
 Inventorship Dodd, et al
 5 Applicant..... Hewlett-Packard Company
 Confirmation Number 7466
 Group Art Unit
 Examiner
 Attorney's Docket No. 100203969-1
 10 Title: Optical Targets

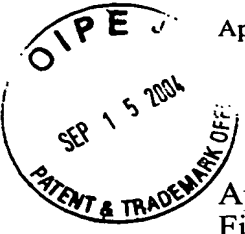
PETITION IN RESPONSE TONOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

To: Mail Stop: Petitions
 Commissioner for Patents
 15 P.O. Box 1450
 Alexandria, Virginia 22313-1450

From: Dmitry Milikovsky
 (858) 655-3251
 Hewlett-Packard Company
 20 Intellectual Property Administration
 P.O. Box 272400
 Fort Collins, CO 80527-2400

25 In response to the Notice of Incomplete Nonprovisional Application, the
 Applicant submits the following petition.

BEST AVAILABLE COPY



Application

INTRODUCTORY COMMENTS

The Applicant's attorney, Lee & Hayes, PLLC, filed the instant patent application on behalf of the Applicant, The Hewlett-Packard Company, on 10/30/2003. On 07/15/2004 the Patent Office mailed a "Notice of Incomplete Nonprovisional Application," which alleged that the drawings were not provided with the patent application. Accordingly, the Applicant hereby submits this petition, first, to show that the drawings were in fact originally provided, and second, to request that the 10/30/2003 filing date be applied to the drawings and all other parts of the patent application.

BACKGROUND FACTS

The application was filed with a "Patent Application Transmittal Letter" which indicated that one set of nine (9) drawing sheets were provided. The "Patent Application Transmittal Letter" was photocopied before the application was filed, and a copy of the "Patent Application Transmittal Letter" is attached to this petition. The "Patent Application Transmittal Letter" has an Express Mail number in the lower left.

Additionally, the application as filed included two postcards. A first postcard was addressed to The Hewlett-Packard Company and a second postcard was addressed to Lee & Hayes, PLLC. Both postcards were photocopied prior to filing. Both postcards included a list of the items included within the patent application. Included in the list of items, at #4, is "9 sheets of formal drawings (Figs. 1—14)". Both postcards were stamped with the Express Mail number: EV316937005. A photocopy of the postcards prior to mailing is attached to this petition.

Application

The Patent Office received the postcards sent with the application, and a serial number and date sticker was attached before the postcards were returned by mail to Lee & Hayes and The Hewlett-Packard Company. The serial number on the postcard was 10/697394. The date on the postcard was 103003
5 (30 October 2003). A copy of the returned postcard is attached to this petition.

APPLICANT PRIMA FACIA ARGUMENT

The Applicant asserts that the returned postcard, indicating (at #4) the presence of the drawings within the application, is prima facie evidence that the
10 drawings were provided. The returned postcard, a copy of which is attached, was properly marked by the Patent Office with the date and serial number of the application. No mention was made by the Patent Office of any missing items. The Applicant respectfully submits that the Applicant has met the burden of argument, and that a finding that the drawings were lost after the
15 postcard was stamped is appropriate. Accordingly, the Applicant respectfully requests that all parts of the application, including the drawings, be assigned a filing date of 10/30/2003.

APPLICANT'S PETITION

20 The Applicant petitions for a finding that the drawings were sent with the other documents comprising the application, and arrived with the other documents at the time a serial number was affixed to the postcard, but are currently lost.

The Applicant additionally petitions for a refund of the petition fee.

25 The Applicant petitions for a finding that the entire application, including the drawings, be assigned a filing date of 10/30/2003.

Application

The Applicant requests that a finding be made that the originally filed oath or declaration be found to cover the drawings and other items, as listed on the postcard.

5 **CONCLUSION**

In conclusion, the Applicant respectfully requests that the enclosed drawings be added to the application, and assigned a filing date of 10/30/2003. The Applicant respectfully points to the returned postcard as prima facia evidence that such a finding is appropriate. The Applicant respectfully requests
10 return of the petition fee.

If there are any questions concerning this matter, please feel free to call the undersigned, at 509-324-9256 x235.

15 Respectfully Submitted,

Dated: 9-15-04

By: 

David S. Thompson
Reg. No. 37,954
Attorney for Applicant

25 LEE & HAYES PLLC
Suite 500
421 W. Riverside Avenue
Spokane, Washington 99201
Telephone: 509-324-9256 x235
Facsimile: (509) 323-8979
30



EV486241506

10/30/2003

Hewlett Packard, San Diego

100203969-1

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:

Title: "Optical Targets"

Inventorship: Dodd et al.

1. Patent Application Transmittal Letter with Fee Transmittal
2. New patent application (title page plus pages 2-32, including claims 1-46 & Abstract)
3. Executed Declaration
4. 9 sheets of formal drawings (figs. 1-14)
5. Assignment w/Recordation Cover Sheet
6. PTO Return Postcard Receipts (2)

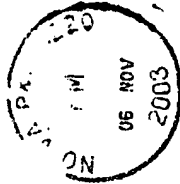
22264 U.S. PTO
10/697394



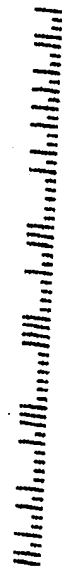
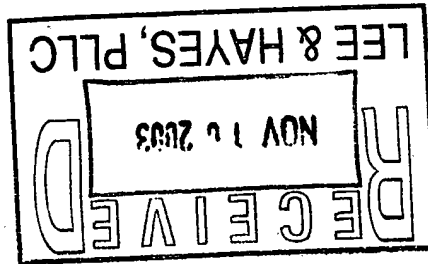
HP4-02805 EV316937005

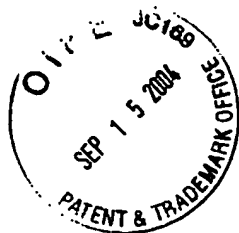
LEE & HAYES, PLLC
12000 777 0000

EV486241506



LEE & HAYES, PLLC
INTELLECTUAL PROPERTY LAW
421 W RIVERSIDE AVE., SUITE 500
SPOKANE, WA 99201





100203969-1

Hewlett Packard, San Diego

10/30/2003

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:

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5. Assignment w/Recordation Cover Sheet
6. PTO Return Postcard Receipts (2)

EV316937005

LEE & HAYES, PLLC
(609) 221-0756

100203969-1

Hewlett Packard, San Diego

10/30/2003

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the documents enumerated below, relating to the following application for letters patent:

Title: "Optical Targets"

Inventorship: Dodd et al.

1. Patent Application Transmittal Letter with Fee Transmittal
2. New patent application (title page plus pages 2-32, including claims 1-46 & Abstract)
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6. PTO Return Postcard Receipts (2)

HP4-02805

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LEE & HAYES, PLLC
(609) 221-0756

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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials GHT	Total Postage & Fees \$13.65

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Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (For use only if additional merchandise insurance is void by delivery of signature is requested) with delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and (authorizes that delivery employee's signature constitutes valid proof of delivery)		
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